

PROPOSED CONSTITUTIONAL AMENDMENTS

PROPOSED CONSTITUTIONAL AMENDMENT—STATE ETHICS COMMISSION

S. J. R. No. 15

Proposing an amendment to Article III, Section 24, of the Texas Constitution, to establish a commission to set rules of ethics and rules for filing of financial statements for legislators and State officers and officers of the Legislature and to prescribe compensation for legislators, the Lieutenant Governor, and the Speaker of the House of Representatives, and to recommend improvements and economy in the Legislative process.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article III, Section 24, of the Texas Constitution, be amended to read as follows:

"Section 24. (1) The State Ethics Commission is created as an agency of the State. The commission consists of nine members. Three members shall be appointed by the Chief Justice of the Supreme Court of Texas with the advice and consent of the Associate Justices serving on the Court, three members shall be appointed by the Presiding Judge of the Court of Criminal Appeals of Texas with the advice and consent of the other Judges serving on the Court, and three members shall be appointed by the Chairman of the State Judicial Qualifications Commission with the advice and consent of the other members of the commission, of each group of three appointees no more than two shall be attorneys engaged in the active practice of law. In addition thereto there shall be two ex officio members, one from the House of Representatives and one from the Senate to be elected on the first day of each Regular Session of the Legislature by a majority of the membership of each House for a term ending on the first day of the next Regular Session.

"(2) With the exception of the initial appointees, each member shall hold office for a term of six (6) years and until his successor is appointed and has qualified. In making the initial appointments, each appointing officer shall designate one (1) appointee to serve a term of two (2) years, one (1) appointee to serve a term of four (4) years, and one (1) appointee to serve a term of six (6) years. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. The membership shall designate one of its members to serve as chairman for a period of two (2) years.

"(3) The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

"(4) The commission shall recommend the compensation, per diem, and mileage allowance of members of the Legislature, and may recommend the salary of the Speaker of the House of Representatives and the Lieutenant Governor at an amount higher than that of other members notwithstanding any provisions to the contrary of Article IV, Section 17, of the Texas Constitution.

"(5) The commission shall promulgate rules of ethics to govern the conduct of all legislators, legislative officers and all officeholders, appointive or elective, of any office, department, district agency, commission, board or any governmental unit or branch established by or under the authority of the constitution and laws of the State of Texas and all persons who shall use any privilege of the floor in either House of the

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Legislature. The Texas State Ethics Commission shall further promulgate rules providing that each member of the Legislature and each of the hereinabove named officeholders upon election and any appointee to any of these offices shall file with the State Ethics Commission a statement under oath setting out a complete financial statement in detail within 10 days after being elected or receiving an appointment. This information shall be privileged information to the State Ethics Commission to be used only by them to determine if there exists a conflict of interests or if there is or has been a violation of any of the rules of ethics promulgated by the Texas State Ethics Commission or any laws of the State of Texas. The Legislature shall enact statutes dealing with unauthorized disclosure or misuse of said privileged information.

"(6) The commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet in Austin at least once each year to review existing rules of ethics, Legislative compensation rates, mileage allowances and per diem rates, and to make any changes deemed necessary.

"(7) All rules of ethics, compensation rates, mileage allowances or per diem rates currently in force, as well as all changes and recommendations by the State Ethics Commission shall be promulgated before the convening of any session of the Legislature by filing a certified copy of the proclamation with the Secretary of State.

"(a) Each rule of ethics or change thereof made by the commission shall take effect on the 15th day of the legislative session following the proclamation unless disapproved before that day by resolution of either House of the Legislature.

"(b) All rates of compensation, mileage allowances or per diem rates and all changes and recommendations made by the commission thereof shall not take effect until approved section by section by resolution of both Houses of the Legislature.

"All votes on these resolutions or parts thereof shall show the individual votes in the respective journals of both Houses.

"(8) The commission shall investigate any alleged violation of any rule of ethics promulgated by it and report its findings to the appropriate State agency, official, legislative body, grand jury or district attorney.

"(9) Until otherwise provided by the commission, each member of the Legislature shall receive from the public treasury an annual salary of Four Thousand, Eight Hundred Dollars (\$4,800) per year and per diem not exceeding Twelve Dollars (\$12) per day for the first 120 days only of each Regular Session and for 30 days of each Special Session of the Legislature. No Regular Session shall be of longer duration than 140 days. In addition to the per diem, the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed Two Dollars and fifty cents (\$2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter established; no member to be entitled to mileage for any extra session that may be called within one day after adjournment of the Regular or Called session.

"(10) The commission is further authorized to recommend to each Legislature changes which will update, improve, and effect economy in the legislative process."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held

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on the 18th day of May, 1971, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to create a State Ethics Commission empowered to set rules of ethics for members of the Legislature, State officers and legislative officers, to investigate violations thereof, and to recommend compensation for members of the Legislature and the Lieutenant Governor and recommend improvements and economy in the legislative process."

Adopted by the Senate on February 4, 1971: Yeas 31, Nays 0; February 5, 1971, Senate concurred in House Amendments: Yeas 25, Nays 1; adopted by the House on February 5, 1971, with Amendments: Yeas 106, Nays 16.

Signed by the Governor February 5, 1971.

Rejected at election held on May 18, 1971.

PROPOSED CONSTITUTIONAL AMENDMENT— EQUALITY UNDER THE LAW

S. J. R. No. 16

Proposing an amendment to Article I of the Texas Constitution by adding a new section to be known as Section 3a, providing that equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article I of the Texas Constitution be amended by adding a new section to be known as Section 3a, to read as follows:

"Section 3a. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative."

Sec. 2. The foregoing amendment to the constitution shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide that equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin."

Adopted by the Senate on February 16, 1971: Yeas 30, Nays 0; adopted by the House on April 27, 1971: Yeas 119, Nays 25.

Signed by the Governor May 5, 1971.